

100.2412
Branigan 2-10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Branigan et al.

Serial No.: 09/755,470

Filed: January 5, 2001

For: METHODS AND APPARATUS FOR SECURE WIRELESS NETWORKING

Group: 2134

Examiner: Tran, Ellen C.

Durham, North Carolina
November 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Peter H. Priest Pursuant to 37 C.F.R. 1.131

Dear Sir:

I, Peter H. Priest, declare as follows:

1. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true.
2. Claims 1-10 of the present application have been rejected under 35 U.S.C. 102(e) as anticipated by Bahl et al. U.S. Patent No. 6,834,341 (Bahl). Claims 11-15 have been rejected under 35 U.S.C. 103(a) based upon Bahl and other patents. From its face, Bahl has a filing date of February 22, 2000.

3. Prior to February 22, 200, as well as currently, I have been the sole proprietor of the Law Offices of Peter H. Priest, P.L.L.C. and its predecessor, The Law Offices of Peter H. Priest (collectively "the firm").

4. The firm received a patent submission from Lucent Technologies Inc. ("Lucent") for Mr. Branigan and Mr. Cheswick which resulted in the present application. The correspondence was addressed to me and I believe that I opened it as that was my practice at the time. Part of that submission was a copy of a letter from Donald P. Dinella, a Lucent attorney. That letter was dated prior to February 22, 2000 and acknowledges the patent submission by Mr. Branigan and Mr. Cheswick. With Mr. Dinella's letter, I received the submission acknowledged by Mr. Dinella's letter. A true copy of Mr. Dinella's letter and the acknowledged submission are attached as Exhibit A. Page numbers 1/11, 2/11, etc. have been added to the upper right hand margin of Exhibit A for ease of reference and the dates have been redacted. Both Mr. Dinella's letter (page 1/11) and a Submission Information form (page 10/11) indicate the submission was received from the inventors prior to February 22, 2000. The submission includes a write up entitled "Providing Secure Wireless Network Communications" (pages 4/11-9/11).

5. Exhibit A acknowledges Mr. Grosse as Director of Mr. Branigan and Mr. Cheswick at the time they prepared their submission.

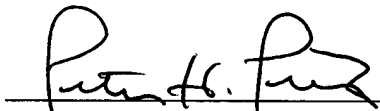
6. On November 21, 2005, I asked Martin I. Finston, another Lucent attorney now responsible for managing this case, to check Lucent's internal file. He reported that he did so and that the pages of Exhibit A are in the same order in the Lucent file that they are in my firm's file, and as they now appear in Exhibit A.

Appl. No. 09/755,470
Amdt. dated November 22, 2005
Reply to Office Action of October 19, 2005

7. A true copy of the presently pending claims, claims 1-15, is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment or both as set forth in 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Executed on November 22, 2005


Peter H. Priest



00.2412
Branigan 2-10

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Branigan et al.

Serial No.: 09/755,470

Filed: January 5, 2001

For: METHODS AND APPARATUS FOR SECURE WIRELESS NETWORKING

Group: 2134

Examiner: Tran, Ellen C.

Durham, North Carolina
November 28, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Eric H. Grosse Pursuant to 37 C.F.R. 1.131

Dear Sir:

I, Eric H. Grosse, declare as follows:

1. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true.
2. On information and belief, a true copy of the Declaration of Peter H. Priest (Priest Decl.) is attached hereto as Exhibit A.
3. I have read Exhibit A including its exhibits (Priest Decl. Ex. A and Priest Decl. Ex. B).

4. On information and belief, claims 1-10 of the present application have been rejected under 35 U.S.C. 102(e) as anticipated by Bahl et al. U.S. Patent No. 6,834,341 (Bahl). Claims 11-15 have been rejected under 35 U.S.C. 103(a) based upon Bahl and other patents. On its face, Bahl has a filing date of February 22, 2000.

5. As addressed in greater detail below, the invention as claimed in claims 1-15 of the present application was actually reduced to practice prior to February 22, 2000 by the inventors, Mr. Branigan and Mr. Cheswick.

6. From a date prior to February 22, 2000 to the present date, I have been an employee of Lucent Technologies Inc. ("Lucent") and manager of the "Networked Computing Research" department. Prior to February 22, 2000, I supervised both inventors, Mr. Branigan and Mr. Cheswick.

7. Mr. Branigan and Mr. Cheswick are no longer Lucent employees.

8. Prior to February 22, 2000, Mr. Branigan and Mr. Cheswick demonstrated to me the working operation of a secure wireless network covered by claims 1-15.

9. On information and belief, prior to February 22, 2000, Mr. Branigan and Mr. Cheswick submitted a patent submission describing this secure wireless network. Priest Decl. Ex. A, pp. 2/11-11/11.

10. On information and belief, prior to February 22, 2000, that patent submission was acknowledged by Mr. Donald P. Dinella, one of Lucent's internal patent attorneys. Priest Decl. Ex. A, p. 1/11.

11. The Abstract at page 4/11 of Priest Decl. Ex. A states “we provide a ‘real-world’ example of how we have deployed a secure wireless network for the UNIX room and green room in Murray Hill.”

12. Page 6/11 of Priest Decl. Ex. A further states “This is the design we are using to provide wireless networking to the UNIX room and green room in Murray Hill.”

13. Page 8/11 of Priest, Decl. Ex. A thanks a co-worker “for his assistance is [sic] establishing the proto-type that is currently in use.”

14. Prior to February 22, 2000, I witnessed the operation of the secure wireless network deployed for the Unix and Green rooms in Murray Hill, NJ referred to by the Abstract of page 4/11 of Priest Decl., Exhibit A. During this demonstration, I witnessed the operation of a wireless network client, a WavePOINT-II Access Point being utilized as a wireless network access point, a SB-Server, and a user database. The SB-Server performed authentication by examining authentication information transmitted from the wireless network client and determined whether or not the authentication information identified the wireless network client as authorized to gain access to the wired network. The SB-Server established a connection session upon authentication of the wireless network client and provided the client with a wired network address valid for the established connection session. The SB-Server encrypted communications with the wireless network access point. The SB-Server provided to the client a cryptographic key valid for the established connection session. The user database was accessed by the SB-Server to validate the wireless network client.

15. I believe the SB-Server issued internet protocol (IP) addresses in the range 192.168.50.2 to 192.168.50.254 utilizing an IP network mask of 255.255.255.0. Using a shortened notation, these issued addresses may also be conventionally referred to as 192.168.50.0/24 as stated at page 5/11 of Priest Decl. Ex. A.

16. I have retrieved a back up file named "local-cs" from Lucent's backup facility. A true copy of a redacted file listing of the retrieved "local-cs" file is attached as Exhibit B. The retrieved "local-cs" file was created and was backed up by the backup facility in a nightly backup prior to February 22, 2000.

17. The retrieved "local-cs" file is a network operation database utilized by servers servicing the Unix and Green rooms at Murray Hill. I reviewed the contents of file "local-cs." Among other items, this file contains "ipnet=sbwavelan ip=192.168.50.0 ipmask=255.255.255.0." The combination of the ip address with the ipmask defines the range of addresses which are issued by the SB-Server. The defined range of combining the ip address and the ipmask corresponds to the address range of 192.168.50.2 - 192.168.50.254 which corresponds to the issued IP address range for the secure wireless network described in Priest Decl. Ex. A.

18. The "sbwavelan" network name was used to represent the secure wireless network as initially disclosed by Priest Decl., Ex. A and presently claimed in claims 1-15.

19. The existence of the "local-cs" file with its aforementioned contents corroborates that the secure wireless network deployed in the UNIX and Green rooms in Murray Hill, as initially disclosed in Priest Decl. Ex. A and presently claimed in the claim listing of Pries Decl.

Appl. No. 09/755,470
Amdt. dated November 26, 2005
Reply to Office Action of October 19, 2005

Ex. B, was operational for internal use for its intended use of providing secure wireless network connectivity by Lucent employees.

20. The acts outlined above which are relied upon to establish a date prior to the Bahl patent were carried out in the United States.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment or both as set forth in 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Executed on

25 Nov 2005

Eric H. Grosse

Eric H. Grosse



100.2412
Branigan 2-10

EXHIBIT A

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Branigan et al.
Serial No.: 09/755,470
Filed: January 5, 2001
For: METHODS AND APPARATUS FOR SECURE WIRELESS NETWORKING
Group: 2134
Examiner: Tran, Ellen C.

Durham, North Carolina
November 22, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Declaration of Peter H. Priest Pursuant to 37 C.F.R. 1.131

Dear Sir:

I, Peter H. Priest, declare as follows:

1. All statements herein made of my own knowledge are true and all statements made on information and belief are believed to be true.
2. Claims 1-10 of the present application have been rejected under 35 U.S.C. 102(e) as anticipated by Bahl et al. U.S. Patent No. 6,834,341 (Bahl). Claims 11-15 have been rejected under 35 U.S.C. 103(a) based upon Bahl and other patents. From its face, Bahl has a filing date of February 22, 2000.

3. Prior to February 22, 2000, as well as currently, I have been the sole proprietor of the Law Offices of Peter H. Priest, P.L.L.C. and its predecessor, The Law Offices of Peter H. Priest (collectively "the firm").

4. The firm received a patent submission from Lucent Technologies Inc. ("Lucent") for Mr. Branigan and Mr. Cheswick which resulted in the present application. The correspondence was addressed to me and I believe that I opened it as that was my practice at the time. Part of that submission was a copy of a letter from Donald P. Dinella, a Lucent attorney. That letter was dated prior to February 22, 2000 and acknowledges the patent submission by Mr. Branigan and Mr. Cheswick. With Mr. Dinella's letter, I received the submission acknowledged by Mr. Dinella's letter. A true copy of Mr. Dinella's letter and the acknowledged submission are attached as Exhibit A. Page numbers 1/11, 2/11, etc. have been added to the upper right hand margin of Exhibit A for ease of reference and the dates have been redacted. Both Mr. Dinella's letter (page 1/11) and a Submission Information form (page 10/11) indicate the submission was received from the inventors prior to February 22, 2000. The submission includes a write up entitled "Providing Secure Wireless Network Communications" (pages 4/11-9/11).

5. Exhibit A acknowledges Mr. Grosse as Director of Mr. Branigan and Mr. Cheswick at the time they prepared their submission.

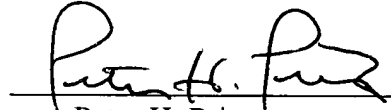
6. On November 21, 2005, I asked Martin I. Finston, another Lucent attorney now responsible for managing this case, to check Lucent's internal file. He reported that he did so and that the pages of Exhibit A are in the same order in the Lucent file that they are in my firm's file, and as they now appear in Exhibit A.

Appl. No. 09/755,470
Amdt. dated November 22, 2005
Reply to Office Action of October 19, 2005

7. A true copy of the presently pending claims, claims 1-15, is attached hereto as Exhibit B.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I understand that willful false statements and the like are punishable by fine or imprisonment or both as set forth in 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

Executed on November 22, 2005


Peter H. Priest